

Delegate Boyer, the Chair would like to ask a question in view of the last question asked by Delegate Hanson.

Is it not true that this section is limited to impeachment in cases of serious crimes or serious misconduct in office?

DELEGATE BOYER: Yes, sir.

THE CHAIRMAN: Delegate Bamberger?

DELEGATE BAMBERGER: Mr. Chairman, would the House of Delegates have the power to impeach elected officials who are officials of a county or a municipality?

THE CHAIRMAN: Delegate Boyer?

DELEGATE BOYER: I must confess that there is probably a gap here. The General Provisions recommendation is silent on this point, and I think that one of our learned delegates with whom I have discussed this matter has an amendment that will plug up any loop hole that might exist in this misinterpretation. I can assure you that there will be an amendment coming that will take care of local officials.

DELEGATE BAMBERGER: I asked the question because of the ambiguity. On line 6 it talks about elected officials. It does not confine it to either State or lesser political subdivisions while on line 7 in talking about other state officers—I presume by that it would mean appointed officers other than judges—it is confined to officers of the State. Then you get into an interpretation of what is a state officer.

DELEGATE BOYER: I can assure you, I think your doubts and hesitations will probably be removed when Delegate Grant submits his recommendation for an amendment. I think this will clear the atmosphere on that if there is any doubt at all.

THE CHAIRMAN: Are there any further questions?

Delegate Chabot.

DELEGATE CHABOT: Delegate Boyer, when the case is sent to the special tribunal, the ten-judge tribunal, will their function be limited to determining whether or not the impeached official has committed a crime of serious misconduct or will they also have the power to determine whether or not this act was serious enough to warrant removing the person from office?

DELEGATE BOYER: The impeachment proceedings would be merely the removal of a person from office. This would not eliminate his criminal liability for future

prosecution for any violation of the criminal code. The mere purpose of impeachment is to remove from office a person by impeachment proceedings.

DELEGATE BOTHE: I refer to the statement on line 7, "any other state officers who may be designated by law." How do they get designated by law? Does the General Assembly decide that a particular officer ought to be impeached and then pass a law or do they at the time they create his office say that it is impeachable or just what kind of an officer is intended to be included there?

DELEGATE BOYER: This is parallel to Delegate Bamberger's question, and I concede that there might be a misunderstanding of who is or who is not a state officer. The intention is to remove from public office anybody who may be guilty for some reason, and Delegate Grant has, I know, an amendment that I hope will clear up "a state officer who may be delegated by law."

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: I think you misunderstand my question. It is not the same as Delegate Bamberger's.

As I read this section it appears that the words "designated by law" could mean either that the General Assembly decides by law that a particular officer ought to be impeached or that a particular office is subject to impeachment?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: The General Assembly could not in personalities pick on this official or that official. They would have to take a catalogue group and state this is an officer designated by law. They could not take one county commissioner and not another. They would have to include all commissioners.

THE CHAIRMAN: Churchill Murray.

DELEGATE E. C. MURRAY: It says trial by ten judges. Who designates the judges?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: The Chief Judge of the Court of Appeals. He seemed to be the designating officer of all the lower courts. This would be a special tribunal set up and I cannot conceive of any other person with the authority in the State to make such designation except the Chief Judge of the Court of Appeals.